

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SIDNEY KEYS,

Plaintiff,

vs.

LOU FUSZ,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. 4:24-cv-00431-MTS

MEMORANDUM AND ORDER

This matter is before the Court upon self-represented Plaintiff Sidney Keys's Application to Proceed in District Court Without Prepaying Fees or Costs. Doc. [2]. After a review of Plaintiff's Application, the Court will deny it without prejudice.

Plaintiff failed to complete the section of the Application on his wages. He left it blank. The Court cannot determine whether Plaintiff is truly unable to pay the filing fee if the Court does not know Plaintiff's income. The Court will provide Plaintiff thirty days by which to pay the \$405 filing fee or to carefully complete and file another application to proceed in district court without prepaying fees or costs. The Court reminds Plaintiff that the declarations made on the Application are made under penalty of perjury. *See* 18 U.S.C. § 1621 (providing penalties for perjury); *see also* Fed. R. Civ. P. 11(b)–(c) (allowing for sanctions for misrepresentations made to the court).*

* Plaintiff also has moved for the appointment of counsel. After consideration of the relevant factors, the Court concludes the Motion should be denied. *See Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006) (discussing factors).


Accordingly

IT IS HEREBY ORDERED that Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs, Doc. [2], is **DENIED**. No later than **Wednesday, May 1, 2024**, Plaintiff must pay the \$405 filing fee or carefully complete and file another application to proceed in district court without prepaying fees or costs.

IT IS FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel, Doc. [3], is **DENIED** without prejudice.

Plaintiff's failure to timely comply with this Order will result in the dismissal of this action without prejudice and without further notice.

Dated this 1st day of April 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE